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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91187033
Party	Plaintiff David C McGowan
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Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	David C McGowan
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Signature	/David C McGowan/
Date	12/03/2008
Attachments	Motion For Definite Statement - 1.pdf (3 pages)(220809 bytes)

In The United States Patent And Trademark Office
Before The Trademark Trial And Appeal Board

DAVID C. McGOWAN

Opposition No. 91187033

Opposer,

V.

Motion For More Definite Statement

KEY CURRICULUM PRESS, Inc

Applicant

INTRODUCTION

David C. McGowan, owner and founder of a small business named **SKETCHPAD**, and also the registered owner of the Internet Domain Name **sketchpad.com**, hereby requests that he be granted an opportunity to submit a more definite opposition statement with facts to support his claim that the mark “**SKETCHPAD**” is a generic term.

FACTS

David C. McGowan filed Notice of Opposition on October 18, 2008 asserting a single ground for his opposition, namely, that the mark **SKETCHPAD** alone is a generic term. The Notice of Opposition was a bare-bones document without facts or exhibits.

Applicant, Key Curriculum Press (“KCP”), has requested that the Board dismiss Opposer’s claim without leave to amend. In the alternative, should the Board not grant a motion to dismiss, Applicant requested that the Board grant it’s motion for a more definite statement from the Opposer. (Ref: Applicant’s Motion to Dismiss dated 11/26/2008)

ARGUMENT

There is no argument as to the “bare-bones” Notice of Opposition submitted by the Opposer. It was his uninformed error to believe that by simply completing a required form would be sufficient for the Board to examine the “genericness” of the term **SKETCHPAD** as Grounds for Opposition.

Notwithstanding the Applicant's argument to dismiss the opposition for failure to state a claim, it is believed a reasonable opportunity should be given to the Opposer to correct his error with the submission of a more definite statement. Said submission will identify facts as to the generic nature of **SKETCHPAD**, identify and describe the vague reference to "?Sketchpad?", and will specify graphic works and other online services referenced in the Opposition. Appropriate exhibits will also be provided.

CONCLUSION

For the foregoing reason, it is requested that the Board grant the Opposer a period of fifteen (15) days to submit a more definite statement of his Opposition.

Dated: December 3, 2008

Respectfully submitted,

___/David C. McGowan/

David C. McGowan

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that one copy of the foregoing MOTION FOR MORE DEFINITE STATEMENT was served on the Applicant Key Curriculum Press, Inc. by depositing the same in the United States mail, First Class Mail, postage prepaid, addressed to Applicant's counsel of record as follows:

EUGENE M. PAK
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143 TOWNSEND ST STE 800
SAN FRANCISCO, CA 94107-1957

This 3rd day of December 2008

/David C. McGowan/
David C. McGowan